

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	8:91CR43
Plaintiff,	)	
	)	
v.	)	USM No: 13530-047
	)	
DEREK E. YELL	)	<u>MICHAEL MALONEY</u>
Defendant.	)	Defendant's Attorney
Date of previous judgment: 4/7/2005	)	

**Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)**

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

**IT IS ORDERED** that the motion is GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 262 months is reduced to time served.

**I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)**

Previous Offense Level: <u>38</u>	Amended Offense Level: <u>36</u>
Criminal History Category: <u>II</u>	Criminal History Category: <u>II</u>
Previous Guideline Range: <u>262</u> to <u>327</u> months	Amended Guideline Range: <u>210</u> to <u>262</u> months

**II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE**

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain):

**III. ADDITIONAL COMMENTS**

Except as provided above, all provisions of the judgment dated April 7, 2005 shall remain in effect.

**IT IS SO ORDERED.**

Dated this 10<sup>th</sup> day of March, 2008

Effective Date: Thursday, March 10, 2008

s/ Joseph F. Bataillon  
Chief United States District Judge